

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

JOHNATHAN D. WISHNESKI,

Plaintiff,

v.

No. 12-cv-00540-JCH-CG

DR. JOSE ANDRADE,

Defendants.

**ORDER DENYING PLAINTIFF'S MOTION TO AMEND COMPLAINT**

**THIS MATTER** comes before the Court on *Plaintiff's Motion to Amend Complaint*, (Doc. 31), filed on October 26, 2012. Plaintiff requests that this Court grant him leave to amend his complaint pursuant to rule 15(a) of the Federal Rules of Civil Procedure. Plaintiff would like to "include several new issue's [sic], including a retaliatory transfer, further counts of cruel and unusual punishment, unconstitutional denial of good time, violation of the American [D]isability Act, and several new Defendants. . ." (Doc. 31 at 1). This District's local rules require that "[a] proposed amendment to a pleading must accompany the motion to amend." D.N.M.LR-Civ. 15.1. Plaintiff's motion does not include enough information to support amendment, nor has he attached a proposed amended complaint in accordance with the local rules. Although Plaintiff is proceeding *pro se*, he must "follow the same rules of procedure that govern other litigants." *Nielsen v. Price*, 17 F.3d 1276 (10th Cir. 1994). Thus, the Court finds that Plaintiff's motion is not well-taken and will be

**DENIED.**



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THE HONORABLE CARMEN E. GARZA  
UNITED STATES MAGISTRATE JUDGE